

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE:

*** EIGHTH
A M E N D E D**

**DISPOSITION OF UNCLAIMED
DIVIDENDS**

**GENERAL ORDER
NO. 90-1**

Issued at Youngstown, Ohio, this 17th day of December, 2003.

It appearing to the court that pursuant to 11 U.S.C. Section 347(a) and 28 U.S.C. Chapter 129, property of a bankruptcy estate unclaimed ninety days after final distribution under Section 726, 1226 or 1326 of Title 11 shall be paid into the registry of the court; and

It further appearing that withdrawal of these funds is governed by 28 U.S.C. Section 2042.

IT IS THEREFORE ORDERED that release of these funds will require the following:

**A. REQUIREMENTS FOR PRO SE CREDITOR/CLAIMANT, i.e., SELF-
REPRESENTATION**

1. A petition, i.e., written request, for return of an unclaimed dividend must be submitted to the Clerk of this United States Bankruptcy Court. Petition must include claimant's name, address, telephone number, full Tax I.D. Number (if applicable), a brief history of the claimant from the filing of the claim to present and original signature. Supporting documentation that the money has been deposited with the Court must be attached. Creditor/claimant must sign a certificate of mailing reflecting that the request was served on the United States Attorney for the Northern District of Ohio, Carl B. Stokes United States Court House, 801 West Superior Avenue, Suite 400, Cleveland, Ohio 44113 and the United States Trustee, BP America Bldg., 200 Public Square, 20th Floor, Suite 3300, Cleveland, Ohio 44114.

2. Creditor/claimant, or the person authorized to act on behalf of the creditor/claimant with power of attorney, must personally appear before the Clerk of this Court, or the Clerk's authorized designee, and provide proof of the right to the funds, i.e., personal identification such as a valid driver's license or passport, power of attorney document. If the creditor/claimant is an individual, he/she must also provide his/her full social security number. If the creditor/claimant is a corporation, the representative appearing shall present an affidavit of the Chief Executive Officer that such person is a duly authorized employee. If the creditor/claimant is a successor corporation, creditor/claimant shall also provide proof of any sale of the company, new and prior owner and a copy of the terms of any purchase agreement or stipulation by prior and new owners of right of ownership to the unclaimed fund. If the claim has been assigned, copies of all documents evidencing assignment must be appended to the motion.

B. REQUIREMENTS FOR THE NON-ATTORNEY REPRESENTATIVE OF THE ESTATE OF A DECEASED CLAIMANT

1. The representative must comply with all requirements in Item 1 above.
2. The representative must personally appear as stated in Item 2 above. Certified copies of all probate documents to substantiate the representative's right to act on behalf of the decedent's estate must be provided as proof of entitlement.

C. REQUIREMENTS FOR ANY OTHER INDIVIDUAL REPRESENTING THE INTERESTS OF A CLAIMANT

1. The representative must be an attorney licensed to practice law in the United States District Court for the Northern District of Ohio. Out-of-district attorneys may appear, pro hac vice or through local counsel, on behalf of individual claimants.
2. The attorney must petition the court by motion for an order authorizing return of an unclaimed dividend as prescribed by Rule 9013 of the Bankruptcy Rules.
3. The motion for an order and all other pleadings and papers must be filed electronically according to the procedures established by the court, as prescribed by General Order 03-1, signed by the Judges of this Court on May 21, 2003.

The motion must contain the name, address, telephone number, full Tax I.D. Number (if applicable) and brief history of the creditor from the filing of the claim to the present. If applicable, proof of any sale of the company, new and prior owner and a copy of the terms of any purchase agreement or stipulation by prior and new owners of right of ownership to the unclaimed fund must be provided. If the claim has been assigned, copies of all documents evidencing assignment must be appended to the motion.

The motion must state that sufficient inquiry was made to satisfy the court that the fund was not previously paid, no other applications for return of the fund are pending and no other party other than the movant is entitled to submit a motion for the fund.

A copy of the court order depositing the funds into the Treasury/Registry as unclaimed, or a copy of the receipt and attached list of parties entitled to the unclaimed funds or other supporting documentation, must be appended to the motion. Movant must sign a certificate of mailing reflecting that the motion was served on the United States Attorney for the Northern District of Ohio, Carl B. Stokes United States Court House, 801 West Superior Avenue, Suite 400, Cleveland, Ohio 44113 and the United States Trustee, BP America Bldg., 200 Public Square, 20th Floor, Suite 3300, Cleveland, Ohio 44114.

Within twenty-four hours after electronically filing the motion, the movant must telephonically contact the clerk's office and provide the claimant's full social security number. This requirement does not apply if the claimant's full Tax I.D. Number was listed on the motion.

PROCESSING OF ORDER AND PAYMENT

Ten (10) days following receipt of the above documentation, the Clerk shall prepare and submit the appropriate order to the court.

Any payment made to a claimant will be issued to the claimant. If the claimant is represented, as provided in sections B or C above, the payment will be mailed to the claimant's representative.

FOR THE COURT

/s/ William T. Bodoh

**WILLIAM T. BODOH
CHIEF JUDGE**